IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 5542 of 2002

Between:

C.J. Manohar S/o. Krupanandam,
R/o. Ummareddi Gunta, Plot No. 3, A.K. Nagar, Nellore 524 004.

..... PETITIONER

AND

1 The District Collector,
Nellore, Nellore District.
2 The Mandal Revenue Officer,
Nellore, Nellore District.
3 The Municipal Commissioner, Nellore Municipality, Nellore.
4 Smt. Bujjamma R/o. Ummareddigunta, A.K. Nagar, Nellore-4.
5 Sri Mohan Rao
R/o. Ummareddigunta, A.K. Nagar, Nellore-4.
6 Sri V. Anand S/o. Krishnaiah
R/o. Ummareddigunta, A.K. Nagar, Nellore-4.
7 Sri T. Masthan Rao, constable
Vth Town Police Station, Nellore.
8 Smt. N. Radhamma
R/o. Ummareddigunta, A.K. Nagar, Nellore-4.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the action of the respondents 1 to 3 in not removing the encroachments on 30' feet road in front of the house of the petitioner at Ummareddi gunta, A.K. Nagar, Nellore and also allowing the un-official respondents 4 to 8 in raising construction by encroaching upon the 30' feet road as illegal arbitrary and contrary to the directions issued by the Director of Town & Country Planning, A.P.Hyderabad and consequentially to pass appropriate orders.

Counsel for the Petitioner:MR.K.ANANDA RAO

Counsel for the Respondents1 & 2: GP FOR REVENUE

Counsel for the Respondent No. 3: SC for Municipality Mr. E. Sambasiva Pratap.

The Court made the following :

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ORAL ORDER:

This writ petition is filed declaring the action of the respondents 1 to 3 in not removing the encroachments on 30' road in front of the house of the house of the petitioner at Ummareddigunta, A.K. Nagar, Nellore and also allowing the un-official respondents 4 to 8 for raising constructions by encroaching upon the said road as illegal, and contrary to the directions issued by the Director of Town & Country planning and consequently to pass appropriate orders.

Record reveals that on the representations made by the father of the petitioner and the petitioner himself, the authorities of the respondents have initially demolished the encroachments on the said 30' road but again the unofficial respondents have raised their unauthorized constructions. Further, aggrieved by the inaction of the respondents, the petitioner had also filed a civil suit being No. 756 of 2001 against the 5th respondent for permanent injunction on the file of the 3rd Additional Junior Civil Judge, Nellore and had also obtained a temporary injunction by filing an I.A. in that suit, which was later made absolute. Thereafter, the petitioner made several representations to the respondents 1 to 3 to restrain the unofficial respondents herein and some others from making any unauthorized constructions in the lay out area, but in vain. Hence the present writ petition.

Considering the facts and circumstances of the case, since the petitioner had already approached the Civil Court and obtained an order of injunction in his favour, I deem it appropriate to direct the respondents 1 to 3 to comply with the orders of the Civil Court and see that no unauthorized constructions are raised on the 30' road.

Accordingly, with the above direction, the writ petition is disposed of. No order as to costs.

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kvsn 23-06-2005

To

1 The District Collector,

Nellore, Nellore District.

2 The Mandal Revenue Officer,

Nellore, Nellore District.

3 The Municipal Commissioner, Nellore Municipality,

Nellore.

4 Two CCs to GP for revenue, High Court buildings, Hyderabad.

5 Two CD copies.